

Adopted Rule Amendments to Chapter 370, License Renewal

Please note that these are ADOPTED amendments, but they will not be in effect until 1/1/2016, at which time, the adopted rule sections will replace the rule sections of the same name and number in the current rules. [Please click this link](#) to view the current rules.

Introduction:

The Texas Board of Occupational Therapy Examiners adopts amendments to §§370.1-370.3, concerning the renewal and restoration of an occupational therapy license.

The amendments include changes regarding late fee waivers, renewal requirements extensions, and/or expedited services under specified conditions for active duty military service members, military veterans, and/or military spouses, as necessitated by Senate Bill 1307 from the 84th Legislative Session, which concerns Chapter 55 of the Occupations Code. The amendment to §370.3, in addition, includes a provision that an individual whose license has been restored may provide occupational therapy services according to the terms of the license upon online verification of current licensure and license expiration date from the Board's license verification web page.

§370.1. License Renewal.

(a) Licensee Renewal. Licensees are required to renew their licenses every two years by the end of their birth month. A licensee may not provide occupational therapy services without a current license. Licenses and license expiration dates should be verified on the Board's license verification web page. The Board will maintain a secure resource for verification of license status and expiration date on its website.

(1) General Requirements. The renewal application is not complete until the Board receives all required items. The components required for license renewal are:

(A) a signed Board renewal application form or online equivalent verifying completion of 30 hours of continuing education, as per Chapter 367 of this title (relating to Continuing Education);

(B) the renewal fee and any late fees as set by the Executive Council that may be due;

(C) a passing score on the online jurisprudence exam; and

(D) the licensee's physical address, any work address, other mailing address, email address, and a chosen address of record. The address of record is the address that will be shared with the public. Until licensees select an address of record, the work address will be used as the default. If no work address is available, the mailing address will be used. If no alternate address is available, the home address will be used.

(2) The licensee is responsible for ensuring that the license is renewed, whether receiving a renewal notice or not.

(3) The renewal process is not complete until the Board's website verification reflects that the license has been renewed by displaying the new renewal date.

(4) Licensees who do not have a social security number on file will be unable to renew online.

(5) Licensees who are on inactive status or who wish to change their current status must renew with a paper application before the expiration date of the license.

(6) Licensees who wish to change their name on their license must submit a written request on a form prescribed by the Board with the appropriate, non-refundable fee as set by the Executive Council and a copy of the legal document (e.g., a marriage license, court decree, or divorce decree) evidencing the name change.

(7) Renewal fees and late fees are non-refundable.

(b) Restrictions to Renewal/Restoration.

(1) The Board will not renew a license if a licensee has defaulted with the Texas Guaranteed Student Loan Corporation (TGSLC). Upon notice from TGSLC that a repayment agreement has been established, the license shall be renewed if all other renewal requirements have been met.

(2) The Board will not renew a license if the licensee has defaulted on a court or Attorney General's notice of child support. Upon receipt that repayment has been established, the license shall be renewed if all other renewal requirements have been met.

§370.2. Late Renewal.

(a) A renewal application is late if all required materials are not postmarked prior to the expiration date of the license. Licensees who do not complete the renewal process prior to the expiration date are subject to late fees as described. Likewise, a renewal completed online must be electronically date and time stamped prior to the expiration date or it is late and subject to late fees as described.

(1) If the license has been expired for 90 days or less, the person may renew the license by completing all renewal requirements and submitting the renewal fee and the appropriate late fee.

(2) If the license has been expired for more than 90 days, but less than one year, the person may renew the license by completing all renewal requirements and:

(A) submitting the renewal fee and the appropriate late fee; and

(B) submitting copies of the continuing education documentation as per Chapter 367.

(b) Military Service:

(1) A licensee will be exempt from late fees and penalty for failure to timely renew a license if the licensee establishes to the satisfaction of the Board that failure to renew the license in a timely manner was because the licensee was serving as a military service member.

(2) A licensee who is a military service member is entitled to two years of additional time after the expiration of the license to complete:

(A) any continuing education requirements; and

(B) any other requirements related to the renewal of the license.

(3) In this section, "military service member" has the meaning as defined in Chapter 55, Occupations Code, §55.001.

§370.3. Restoration of a Texas License.

(a) Restoration of a license expired more than one year to a person with a current license or occupational therapy employment:

(1) The Board may restore a license to a person whose Texas license has been expired more than one year if the person:

(A) is currently licensed in another state or territory of the U.S. and that license has not been suspended, revoked, cancelled, surrendered or otherwise restricted for any reason; or

(B) if not currently licensed in another state or territory of the U.S., is applying from the U.S. military or a non-licensing state or territory of the U.S. and can substantiate occupational therapy employment for at least two years immediately preceding application for a Texas license.

(2) The person shall meet the following requirements:

(A) make application for licensure to the Board on a form prescribed by the Board, which includes a recent passport-type photo;

(B) submit to the Board a verification of license from each state or territory of the U.S. in which the applicant is currently licensed or previously held a license. This must be an original verification sent directly to the Board by the licensing board in that state or territory. Any disciplinary actions must be reported to the Board. If not currently licensed in another state or territory of the U.S. and applying from the U.S. military or a non-licensing state or territory of the U.S., the person must submit a Verification of Employment form substantiating occupational therapy employment for at least two years immediately preceding application for a Texas license;

(C) pass the Board jurisprudence exam;

(D) pay the restoration fee as set by the Executive Council; and

(E) complete all requirements for licensure within one year from the date of application.

(b) Restoration of a license expired more than one year and less than two years to a person without a current license or occupational therapy employment:

(1) The Board may restore a license expired more than one year and less than two years to a person who was licensed in Texas and:

- (A) is not currently licensed in another state or territory of the U.S.; or
- (B) if not currently licensed in another state or territory of the U.S., is applying from the U.S. military or a non-licensing state or territory of the U.S. and cannot substantiate occupational therapy employment for at least two years immediately preceding application for a Texas license.

(2) The person shall meet the following requirements:

- (A) make application for licensure to the Board on a form prescribed by the Board, which includes a recent passport-type photo;
- (B) submit copies of the completed continuing education showing 45 hours of continuing education as per Chapter 367 of this title (relating to Continuing Education) with a minimum of 30 hours in Type 2;
- (C) submit to the Board a verification of license from each state or territory of the U.S. in which the applicant is currently licensed or previously held a license. This must be an original verification sent directly to the Board by the licensing board in that state or territory. Any disciplinary actions must be reported to the Board;
- (D) pass the Board jurisprudence examination;
- (E) pay the restoration fee as set by the Executive Council; and
- (F) complete all requirements for licensure within one year from the date of the application.

(c) Restoration of a license expired more than two years to a person without a current license or occupational therapy employment:

(1) The Board may restore a license expired more than two years to a person who was licensed in Texas and:

- (A) is not currently licensed in another state or territory of the U.S.; or
- (B) if not currently licensed in another state or territory of the U.S., is applying from the U.S. military or a non-licensing state or territory of the U.S. and cannot substantiate occupational therapy employment for at least two years immediately preceding application for a Texas license.

(2) The person shall meet the following requirements:

- (A) make application for licensure to the Board on a form prescribed by the Board, which includes a recent passport-type photo;

(B) submit to the Board a verification of license from each state or territory of the U.S. in which the applicant is currently licensed or previously held a license. This must be an original verification sent directly to the Board by the licensing board in that state or territory. Any disciplinary actions must be reported to the Board;

(C) pass the Board jurisprudence exam;

(D) pay the restoration fee as set by the Executive Council;

(E) complete all requirements for licensure within one year from the date of application; and

(F) satisfy one of the following:

(i) complete a re-entry course through an accredited college or university and submit the certificate of completion or transcript to the Board;

(ii) obtain an advanced or post-professional occupational therapy degree, with an official transcript sent to the Board; or

(iii) take and pass the NBCOT examination for licensure purposes only (after requesting Board approval to take the examination) and have the passing score reported to the Board directly by NBCOT. In addition, copies of the completed continuing education showing 45 hours of continuing education as per Chapter 367 of this title (relating to Continuing Education), with a minimum of 30 hours in Type 2, must be submitted.

(d) The Board shall expedite the restoration of a license to a military service member, military veteran, or military spouse who within the five years preceding the application date held a license in Texas. To request expedited services, the military service member, military veteran, or military spouse must submit a copy of the Uniformed Services Military ID card or other appropriate official documentation evidencing current or former military affiliation and notify the Board of his or her military affiliation. In this section, "military service member," "military veteran," and "military spouse" have the meaning as defined in Chapter 55, Occupations Code, §55.001.

(e) The licensee whose license has been restored may provide occupational therapy services according to the terms of the license upon online verification of current licensure and license expiration date from the Board's license verification web page. The Board will maintain a secure resource for verification of license status and expiration date on its website.

(f) The restoration fee is non-refundable.